

Department of the Army, DoD

§ 502.4

Agency, and other Department of Defense agencies.

§ 502.3 Provisions of disaster relief legislation and Executive orders and other authorities.

The following guidelines are pertinent to disaster relief action.

(a) Public Law 875, 81st Congress, as amended, 42 U.S.C. 1855-1855g (Federal Disaster Act of 30 September 1950), hereinafter referred to as Pub. L. 875, which provides for supplementary Federal assistance to State and local governments in major disasters, and for other purposes.

(b) Executive Order 10427 dated January 16, 1953, as amended, which delegates to the Director, OEP the authority to direct and coordinate other Federal agencies in rendering assistance to State and local governments under provisions of Pub. L. 875.

(c) Executive Order 10737, dated October 29, 1957, which amends Executive Order 10427 to include authority for the reimbursement of any Federal agency, subject to the concurrence of the Director of the Bureau of the Budget, for authorized expenditures for funds allocated by the President for use in assistance to a specific State.

(d) Executive Order 11051 dated September 27, 1962, which specifically prescribes the responsibility of the Director, OEP as set forth in Executive Orders 10427 and 10737.

(e) Federal assistance is authorized under provisions of Pub. L. 875 only after the President has declared the specific disaster as defined in the Act. Such declaration is made after a request for Federal assistance by the Governor of the State (or the Board of Commissioners of the District of Columbia), through the appropriate OEP Regional Office Director.

(f) Section 5 of the Act of August 18, 1941, ch. 377, as amended, 33 U.S.C. 701n; is commonly known and hereinafter referred to as Public Law 99 (Pub. L. 99). It provides basic guidance for the applicable emergency activities of the Corps of Engineers. The law provides discretionary authority for expenditures for flood emergency preparation; flood fighting and rescue operations, and emergency repair or restoration of flood control works and Federal shore

protection or hurricane flood protection works. Administration of Pub. L. 99 is under the direction of the Secretary of the Army and the supervision of the Chief of Engineers. No declaration of a major disaster is required.

(g) Existing statutes and Executive orders do not in any way limit Federal agencies from taking necessary action in accordance with existing policy and statutory authority in the event of a disaster which will not brook delay in the commencement of Federal assistance or other Federal action and/or pending the designation by the President of a major disaster.

(h) The American National Red Cross is charged in accordance with its Charter, with continuing a system of national and international relief with voluntary service and financing, which in effect supports official disaster relief action.

§ 502.4 Department of Defense policies and delegation of authority.

(a) Responsibility for alleviating disaster conditions rests primarily with individuals, families, private industry, local and State governments, the American National Red Cross, and those Federal agencies having special statutory responsibilities.

(b) DOD components are authorized to assist civilian authorities as necessary or as directed by competent authority.

(c) Where the disaster is of such imminent seriousness that delay in awaiting instructions from higher authority is unwarranted, a military commander will take such action as may be required and justified under the circumstances to save human life, prevent immediate human suffering, or mitigate major property damage or destruction. The commander will immediately report to higher authority the action taken and request appropriate guidance.

(d) DOD components have been directed to develop, as appropriate, contingency plans for major disaster operations and insure that these are coordinated with appropriate civil authorities at State and local level.

(e) DOD components overseas will participate in foreign disaster relief operations as directed by unified commanders.

(f) The Department of the Army has been directed to assume responsibility for military support in disasters within the continental United States (48 contiguous States and the District of Columbia). This includes responsibility for effective utilization, coordination, and control of resources made available by the Department of the Navy, the Department of the Air Force, and other DOD components as appropriate.

(g) The Department of the Navy has been directed to coordinate with the Department of the Army in planning and supporting civil authorities in disaster relief operations.

(h) The Department of the Air Force has been directed to coordinate with the Department of the Army in planning and supporting civil authorities in disaster relief operations including activities of the Civil Air Patrol.

(i) The Joint Chiefs of Staff have been directed to issue instructions to appropriate unified commanders to insure proper planning and use of military resources for disaster relief operations in Alaska, Hawaii, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

§ 502.5 Department of the Army policies and designation of responsibilities.

(a) Military commanders will conduct relief operations in the event of emergency as described in § 502.4(c), or when directed by higher military authority or by direction of OEP under Pub. L. 875.

(b) Use of military resources and other military participation in disaster relief will be on a minimum essential basis and terminated at the earliest practicable time. Military assistance in rehabilitation following a disaster is not authorized, except as directed by the OEP, or in support of emergency operations conducted by the Corps of Engineers as authorized by law.

(c) Federal troops used in disaster relief activities will be under command of, and directly responsible to, their military superiors.

(d) National Guard forces, if not in active Federal service, will remain under control of the State governor and will be considered part of the local resources available to civil authorities. Federally owned National Guard equipment may accompany a unit when ordered into disaster relief operations by a governor.

(e) The Commanding General, U.S. Continental Army Command (CG USCONARC) is delegated responsibility for the conduct of Army support activities. Specifically he—

(1) Is, under the provisions of §§ 502.1 through 502.5, assigned responsibility for the conduct of military disaster relief in the 48 contiguous States and the District of Columbia.

(2) Will be prepared to conduct disaster relief operations as appropriate in Mexico or Canada upon direction of the Department of the Army.

(3) Will coordinate and insure establishment of joint control of the disaster relief efforts of all DOD components. In local disasters not warranting a declaration of a major disaster, local civil authorities can be expected to make appeals for assistance direct to installations or activities other than those operated by the Department of the Army.

(4) Will report to the Deputy Chief of Staff for Military Operations by the fastest electrical means when resources of DOD components are committed to disaster relief or when disaster conditions prevail that make commitment of DOD resources imminent.

(5) Will, as appropriate, furnish available personnel and resources to District and Division Engineers of the Corps of Engineers prosecuting a flood fight under provisions of Pub. L. 99, or acting in response to a disaster relief directive from OEP under provisions of Pub. L. 875.

(6) Will establish and maintain liaison with the Directors of OEP and OCD, the American National Red Cross, and such other Federal, State, and local governmental agencies as are necessary to discharge responsibilities under §§ 502.1 through 502.5.